

February 15, 1990 LB 50, 143, 240, 240A, 350, 350A, 465
663A, 692, 742, 1244, 1245
LR 8

takes 30 votes to do this at this time, and then we can go ahead and schedule the hearing and the hearing will be February 26, which is a week from Monday, should these bills be allowed to be introduced. Thank you.

PRESIDENT: Any further discussion? If not, the motion is to allow the introduction of the two bills. All those in favor vote aye, opposed nay. Requires 30 votes. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the introduction of the new bills.

PRESIDENT: The new bills are introduced.

CLERK: Mr. President, new bills. (Read LB 1244 and LB 1245 by title for the first time. See page 820 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and do sign LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742, LR 8CA. (See page 820 of the Legislative Journal.) We'll move on to General File, A bills, LB 663A.

CLERK: Mr. President, 663A offered by Senator Scofield. (Read title.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. You will recall this is the bill that creates the Juvenile Services Act. The vast majority of the \$581,000 figure in this bill for fiscal year '90-91 and the \$565,928 figure for '90-92, the vast majority of those two fiscal notes are grants that would go out to communities to help them set up alternatives for juvenile incarceration, diversionary processes, if necessary, facilities to incarcerate juveniles. There is...the other piece of this that you need to know about is simply the administrative costs and the primary expenditure here is the \$28,000 figure for a juvenile coordinator with some secretarial support and some start up costs for the office. You will recall we made the decision to put this under Probation so that that could work more closely with the judges to help us solve that problem. It would be my intent that that juvenile coordinator position would

February 16, 1990 LB 42, 708, 923, 931, 1153, 1172, 1210
1211, 1244, 1245
LR 233

linear would be based on pipes, and we are talking about pipes, 260 feet of those or less would be exempted from the license, businesses working in those. For 160 square feet or fewer, you would be exempted from the license for those businesses doing those asbestos projects. And, in addition, we dealt with the committee amendment and the E clause has been added, and I'd ask very much for the advancement of the bill.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 923.

PRESIDENT: LB 923 is advanced. Do you have anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Thank you. I have a Reference Report referring LB 1244 and LB 1245. That is offered by Senator Labedz as Chair of the Reference Committee.

Mr. President, priority bill designations, Appropriations Committee chaired by Senator Warner selected LB 1210, LB 1211; Senator Chambers has selected LB 708; Government Committee has designated LB 931 and LB 1172; Speaker Barrett has selected LB 1153; Senator Coordsen, LR 233CA.

Mr. President, committee hearing notices from Appropriations Committee and from the Business and Labor Committee, signed by their respective Chairs. That is all that I have, Mr. President.

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: Thank you, Mr. Clerk. Before we move on to General File, LB 82 (sic), I would like to take this opportunity to inform the body that Senator LaVon Crosby has in the south balcony 13 Girl Scouts and their leader from Calvert School in District 29. Would you girls all please rise and let us welcome you to the Legislature. Thank you for joining us today. Mr. Clerk, LB 42.

CLERK: Mr. President, LB 42 involves judicial salaries. The bill has been discussed on two occasions. I have pending,

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LB 896, 1244, 1245
LR 261

Lindsay as Chair of E & R. Mr. President, Business and Labor Committee reports LB 1244 to General File with committee amendments attached, and LB 1245 as indefinitely postponed, those signed by Senator Coordsen as Chair of the committee. (See pages 1032-34 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator...excuse me, addressed to Mr. Jerry Sellentin, Director of the State Department of Personnel to be inserted in the Journal. (See pages 1034-36 of the Legislative Journal.)

And amendments to be printed to LB 896, Mr. President, by Senators Lynch and Withem. (See pages 1036-40 of the Legislative Journal.) And that is all that I have, Mr. President.

SENATOR WEIHING: We will move to legislative resolution. Senator Barrett.

CLERK: Mr. President, LR 261 offered by the Speaker found on page 993 of the Journal asks the Legislature to extend its congratulations to Dr. Woody Varner in his receipt of the prestigious NEBRASKAland Foundation...Distinguished NEBRASKAlander award.

SENATOR WEIHING: Senator Barrett.

SPEAKER BARRETT: Thank you, Mr. President, and members. I am pleased to bring to the Unicameral today LR 261 found on page 993 honoring Dr. D.B. Woody Varner, who is a friend of this Legislature, a friend, I think probably, of every member of this Legislature. Woody has had a very long and outstanding career and record of public service, both as Chancellor and President of the University of Nebraska. He has distinguished himself in so many, so many ways over the years. He was an especially good friend of this Legislature in 1988 when he assisted us in the introduction of the Amendment 1 which dealt with a subject near and dear to our hearts. Other recipients of this prestigious award, of course, have included President Gerald Ford, and Bob Gray, Dr. Clayton Yeutter, and the NEBRASKAland Foundation is honoring Dr. Varner with their Distinguished NEBRASKAlander award on March 10. So I would hope that this Legislature would, through this resolution, extend its congratulations to Dr. Varner upon receipt of this very prestigious award. Mr. President, I would urge the body to adopt LR 261. Thank

then we'll be back in gear, so...

EASE

PRESIDENT: Back in session now. Anything for the record, Mr. Clerk, at this time?

CLERK: Not at this time, Mr. President.

PRESIDENT: All right. We will move on to LB 1244, please.

CLERK: Mr. President, LB 1244 was a bill introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was introduced on February 15 of this year. At that time, it was referred to the Business and Labor Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, do you want to handle this matter, please?

SENATOR COORDSEN: Yes, thank you, Mr. President, members of the body. The approved claims bill, 1244, is almost exactly as it was presented to the Business and Labor Committee with several small changes. One of the changes in the committee amendment, I would like to run through these with you, is down on line 16 and 17 of the committee amendments, relate to a claim by the City of Gering for paving against the State of Nebraska. The Claims Board inadvertently wrote the bill with the total claim including interest from the City of Gering, and the approved amount was \$10,694.89. As a matter of general practice, the state does not pay claims to governmental subdivisions with interest. So the amount of the claim, the original claim was \$8,121. This is the amount that should have been in the claims bill and this is the amount then that was amended by the Business and Labor Committee. The other six claims that were approved totaled \$923.03, and I will just quickly run through the list; outdated income tax warrant, outdated income tax warrant, outdated income tax refund, payroll warrant that a person found in which they claimed the total amount, the gross salary of \$503, Business and Labor approved this claim in the amount of the net amount which was \$390, several more outdated income tax refunds, another outdated income tax refund. So we have six people with outdated warrants. I would like to run

through these just a little bit for the record and indicate to you what the change in procedure for the Claims Board that the Business and Labor Committee agreed might be a better way of handling outdated claims. I have been involved in discussions with the State Treasurer and the Claims Board for nearly three years now relative to the method of handling outdated claims from individuals that are, basically, small in amount and are the result of a refund check of some type being tucked away and then not rediscovered until some years later. The Claims Board has held until recently that since they can only verify these checks going back five years, and they are not then able to verify whether there has been a duplicate check issued prior to five years before the claim, that they should go through the claims process. I think, historically, the Legislature has always paid these claims by the citizens of the State of Nebraska. The Business and Labor Committee would like to indicate in the record for the use of the State Claims Board that it is the intent of the Legislature that the Claims Board pay all out-of-date state warrants on income, retirements, and similar accounts to individuals up to a total of \$500 if the board investigates a claim, and to the best of their ability, notwithstanding the five year retention rule, discovers that the warrant has not been paid or a duplicate issued and the warrant is to an individual. So if an individual check that is over five years old would come in that totaled more than \$500, they would still, the Claims Board would still be required to not approve that and send that as part of the rejected claims to the Legislature. The total of the committee amendments, then, reduces the amount of the fiscal note on 1244 from \$277,411.21 to \$275,760.35, of which \$117,396.97 will be from the General Fund, and \$158,364.27 will be from the various cash funds. In addition, 1244 authorizes a number of write-offs for uncollectible checks and warrants that various state agencies have. So with that, I would move for the adoption of the committee amendments.

PRESIDENT: Any further discussion? If not, the question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the committee amendments.

PRESIDENT: The committee amendments are adopted. Anything further on the bill, Mr. Clerk?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator Coordsen, did you wish to speak about the bill?

SENATOR COORDSEN: I think that I explained the bill in the conversation on the advancement of the bill. so I would at this time move for the advancement of the bill.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the motion to advance the bill.

PRESIDENT: LB 1244 is advanced. We will move on to Select File at this time, LB 688, please.

CLERK: Mr. President, LB 688 is on Select File. First order of business are Enrollment and Review amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 688.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senator Lindsay would move to amend the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Thank you, Mr. President, this amendment is kind of a clean-up amendment, adds a couple of requirements that were worked out among some of the different parties. One would...the first part of the amendment would require two hours of training for the care providers. The procedures that are involved generally would not require even two hours for the training. The people who would be taking the training have usually have already had the experience in performing those functions anyway. The second part of the amendment would add to

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LB 551A, 656, 843, 843A, 1031, 1059, 1059A
1063A, 1141, 1244

that we can do a lot to help these children in their classrooms and stir continued interest in the Legislature and in the legislative process, and perhaps give a lot of people, including civic clubs and others, a deeper understanding of our process, what we go through and how we labor in the vineyards. And so, as I said, we can do it all in-house. There will be an oversight committee. And I have no doubt that the video production will be an enormous hit, and I would urge the body to adopt the amendment. Thank you.

PRESIDENT: Thank you. The question is the amendment to the...the adoption of the amendment to the amendment. All those in favor vote aye, opposed nay. Senator Barrett. Senator Barrett. Thank you. Record, Mr. Clerk, please.

CLERK: 25 ayes, 9 nays, Mr. President, on adoption of Senator Barrett's amendment.

PRESIDENT: The amendment to the amendment is adopted. Something for the record, Mr. Clerk, please?

CLERK: Yes, Mr. President, I do have some items for the record. Senator Nelson has amendments to be printed to LB 656; Senator Schmit to LB 1031; Senator Warner and Withem to LB 1141. Enrollment and Review reports LB 1059, LB 1059A, LB 1244, LB 843, LB 843A, LB 551A, LB 1063A all to Select File. (See pages 1333-39 of the Legislative Journal.)

Mr. President, the next amendment to the committee amendments I have is offered by Senator Withem. (Withem amendment appears on page 1339 of the Legislative Journal.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Mr. President, members of the body, this is an amendment somewhat similar to the last one dealing with our legislative process. Increased appropriation to the Legislative Council to the tune of \$20,000. The purpose of this is to fund ongoing telecommunication, actually it says television, maybe it should say telecommunication, if people are interested in changing that, we can do so, if this gets adopted, with another amendment or a Select File amendment...televise legislative hearings. Over the past year we have had two major interactive teleconferences with legislative leadership hearing people testifying on issues of concern to the public, we questioning

March 22, 1990

LB 42A, 923A, 1222A, 1244

advanced to E & R Final.

SPEAKER BARRETT: Is there discussion? If not, those in favor of the advancement of 1222A please say aye. Opposed no. Ayes have it. The motion carried. The bill is advanced. LB 42A, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have nothing on the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 42A be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of 42A please say aye. Opposed no. Carried. The bill is advanced. LB 923A, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have no E & R amendments. I do have a motion from Senator Wesely to indefinitely postpone the bill.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker and members, 923 deals with asbestos regulation. This A bill reduces the appropriation to the Health Department. It's not an increase in appropriation so it wasn't felt that we actually needed the bill so this motion would kill the bill.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the Wesely motion please vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays to indefinitely postpone the bill, Mr. President.

SPEAKER BARRETT: The motion prevails and the bill is killed. To LB 1244, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I do have E & R amendments on LB 1244.

SPEAKER BARRETT: Senator Lindsay.

March 22, 1990

LB 1063A, 1241, 1244

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1244.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments to 1244 be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

ASSISTANT CLERK: Mr. President, I have nothing further on the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1244, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Are you sure, Senator?

SENATOR LINDSAY: I am.

SPEAKER BARRETT: Thank you. Any discussion? All those in favor of the advancement of the bill say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, I would recommend we jump to LB 1063A.

ASSISTANT CLERK: Mr. President, I have no amendments on 1063A.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1063A be advanced to E & R Final.

SPEAKER BARRETT: Is there discussion? Shall LB 1063A be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, I would recommend we move to LB 1241.

ASSISTANT CLERK: Mr. President, on LB 1241, I do have E & R amendments.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1241.

April 5, 1990

LB 220, 1241, 1244

We are technically under call. Please record your presence. Senator Lindsay. Senator Langford, please check in. A roll call has been requested on the passage of LB 1241E. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See pages 1971-72 of the Legislative Journal.) 31 ayes, 1 nay, Mr. President, on the motion to pass the bill with the emergency clause attached.

SPEAKER BARRETT: The bill is not passed with the emergency clause attached. The question then is, shall the bill pass with the emergency clause stricken? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1972 of the Legislative Journal.) 32 ayes, 0 nays, 5 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1241 passes. LB 1244E.

CLERK: (Read LB 1244 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1244 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1973 of the Legislative Journal.) 34 ayes, 0 nays, 2 present and not voting, 13 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1244E passes. LB 220.

ASSISTANT CLERK: (Read LB 220 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 220 pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See page 1974 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 220 passes. The A bill.

April 5, 1990

LB 220, 220A, 571A, 571, 843A, 843, 958
1064A, 1064, 1241, 1244

All in favor vote aye, opposed nay. Have you all voted?
Record.

CLERK: (Record vote read. See page 1979 of the Legislative Journal.) 29 ayes, 0 nays, 8 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 843A passes. LB 958.

CLERK: (Read LB 958 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 958 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1980 of the Legislative Journal.) 31 ayes, 1 nay, 5 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 958 passes. LB 1064E.

CLERK: (Read LB 1064 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064 with the emergency clause attached pass? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 1981 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1064E passes. And while the Legislature is in session and capable of transacting business I propose to sign and I do sign, LB 571A, LB 571, LB 1241, LB 1244, LB 220, LB 220A, and LB 843. Mr. Clerk, would you read LB 1064A.

CLERK: (Read LB 1064A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 56, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,